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Speaking Notes for the
Minister of Justice and Attorney General of Canada,
Vic Toews, Q.C.

Welcome Ceremony for Mr. Justice Marshall Rothstein at the Supreme Court of Canada

10 April 2006

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Chief Justice, Honourable Members of the Court, family and friends of Justice Rothstein, ladies and gentlemen,

It is a great honour to be invited here today to welcome Mr. Justice Marshall Rothstein as he takes his place on the Supreme Court of Canada.

Before I begin, I can't help but remember a moment from the public interview of Justice Rothstein, held six weeks ago today. He was asked whether he approved of the public interview process. His response? "I wouldn't be honest if I said that I enjoyed spending my Monday afternoons this way." Justice Rothstein, I am willing to bet that you are finding today's proceedings are at least somewhat higher on the enjoyment scale.

I don't want to spend too much time on the public interview process, but I do want to say how much I marvelled at the ability of Justice Rothstein to communicate his humanity, compassion and commitment in a thoughtful and accessible fashion. He quite literally charmed Parliamentarians with his quiet humility and wry humour. You know a speaker has the audience wrapped around their finger when they say: "Your question reminds me of a story" and the laughter starts almost instantaneously – even before the story comes out. I myself will soon have to start appearing before Parliamentary committees, so I am actually hoping to get some pointers, if Justice Rothstein can spare the time.

Today is a significant milestone in a life and career that has seen many milestones. From humble beginnings – the only child of immigrants from Eastern Europe, who paid for his university education by working on the dining cars of the Canadian Pacific Railway – Justice Rothstein has built an unassailable reputation, first as one of Western Canada's most sought-after litigators, and then as one of the most respected judges on the Federal Court and Federal Court of Appeal. Along the way, he has been a law professor, a labour arbitrator, a human rights adjudicator, a member of the Competition Tribunal and the list goes on. Now, he is embarking on a new voyage, and I have no doubt that he will approach this challenge with the vigour, enthusiasm and diligence for which he is renowned.

I come from rural Western Canada – southeastern Manitoba – and I can tell you that Justice Rothstein's life story has a deep resonance across this country. It is a typically Canadian story: a story of industrious immigrants who came, and still come, to this country, seeking a more peaceful, stable and prosperous life – immigrants who understood and understand the value of hard work, the importance of getting an education, the significance of having strong family ties.

Justice Rothstein, there is little doubt that your parents successfully instilled those values in you. You are an example to everyone who aspires to better things and a testament to what it takes to get there. Now I am not so naïve as to think that everyone who works hard will one day become a Supreme Court judge. But you can be sure that everyone who has become a Supreme Court judge has done so through the type of diligence, dedication and commitment that you have shown throughout your distinguished career.

By my count, Justice Rothstein is only the 79 th person to have been appointed to the Supreme Court of Canada in our 139-year history – a select group of individuals if there ever was one. It is institutions like the Supreme Court of Canada that have enabled our country to forge an international reputation as a peaceful, democratic and stable society. The Court is respected and admired the world over and stands as a symbol of Canadians' shared commitment to equal opportunity, fairness and the rule of law.

And, as its 79 th judge, there is no doubt that Mr. Justice Rothstein will make an outstanding contribution to the work of the Court. It is universally recognized in the legal profession that Justice Rothstein is a brilliant jurist. In terms of sheer volume, his output of judicial decisions and academic articles is impressive to say the least. But – to top it all off – his vast body of work is written with pinpoint clarity and precision – a proficiency that I can tell you is not in long supply either in the legal profession or in the building where I normally work a few hundred yards to my right.

Justice Rothstein brings to this Court a breadth of knowledge and experience in commercial law, administrative law, tax law, transportation law and intellectual property law. Outside the courtroom, he is a much-sought-after speaker – having delivered dozens of presentations encompassing such varied topics as Parliamentary privilege, intellectual property, administrative law, section 1 of the Charter and oral advocacy. It is obvious that he is driven by a voracious intellectual curiosity and this will stand him in good stead as he is called upon to decide cases in those few areas of the law – very few, from what it seems – with which he is unfamiliar.

I spoke of milestones earlier but the most important milestones in any of our lives are those that involve our family. Often it is easy to itemize the achievements of our public figures but forget the contribution of family members. Quite simply, most of us would not be where we are without the love and support of our family. Justice Rothstein, your deep and obvious affection for your wife Sheila, and your children, Ronald, Douglas, Tracey and Robert shone through at the public interview. On behalf of all Canadians, I want to thank them for their contribution to where you are today.

I also want to congratulate you and Sheila on the upcoming celebration of your 40 th wedding anniversary in a few months. It is good to see a relationship of such longevity.

As we gather today to celebrate this momentous step in the remarkable career of Justice Rothstein, we should also take this opportunity to reflect on Canada's strong and independent judiciary. I have had the privilege of visiting a number of à developing countries, and I can say emphatically that judicial independence is an essential component of a free and democratic society, and it should never be taken for granted.

In closing, I offer to you, Justice Rothstein, my warmest congratulations and extend best wishes to you as you take up the duties of this distinguished office.

Thank you.

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